

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on April 8, 2009 and the Advisory Action of June 10, 2009 which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 10-11 and 13-20 remain in this application, where claim 12 had been previously canceled without prejudice. Claims 10 and 19 are independent.

Applicants gratefully acknowledge the indication in the Advisory Action that the Amendment filed on June 3, in response to the Final Office Action of April 8, 2009, will be entered and that the rejection of claims 10 and 19 under 35 U.S.C. §112, first paragraph is overcome.

In the Final Office Action, claims 10 and 12-19 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2006/0028734 (Kuiper). Claim 19 is rejected under 35 U.S.C.

§102(e) over U.S. Patent Application Publication No. 2001/0017985 (Tsuboi). Further, claims 10 and 12-18 are rejected under 35 U.S.C. §103(a) over Tsuboi. Applicants respectfully traverse and submit that claims 10-11 and 13-20, as amended, are patentable over Hosokawa for at least the following reasons.

Kuiper is directed to a zoom lens with a controllable lens group comprising a voltage-controlled electro-wetting device that contains at least two immiscible fluids B, A that form a meniscus interface(s) therebetween. The curvature(s), and thus the lens power, of the meniscus interface(s) is changed by changing the voltage applied to electrodes. FIG 7 shows a zoom lens system 60 with several chambers that include immiscible fluids, with two solid lens elements 72, 74 at end of the lens system 60.

As clearly shown in FIG 7, the lens element 72 has two surfaces with curvatures of opposite signs. The lens surface of the lens element 72 on the left, that does not contact the fluid B, has a same sign curvature as the curvature of the meniscus between the two fluids B, A. Further, the lens surface of the lens element 72 on the right, that does contact the fluid B, has a different

sign curvature than that of the meniscus between the two fluids B,
A.

Tsuboi is directed to an optical device with two liquids that do not mix with each other and are sealingly contained in a container 7. As shown in FIGs 10A-10C, to the left of the meniscus between the two fluids 8, 9, there are two lens surfaces with curvatures of opposite signs.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 19, amongst other patentable elements recites (illustrative emphasis provided):

wherein the entrance window comprises a first surface which is in contact with the first fluid and a second surface opposite said first surface, said first surface having a first curvature and said second surface having a second curvature;

wherein the meniscus is between the first fluid that contacts the first surface and the second fluid;
and

wherein the first curvature and the second curvature have a same sign as a curvature of the meniscus when no voltage is applied.


These features are nowhere disclosed or suggested in Kuiper and Tsuboi. Accordingly, it is respectfully requested that

independent claims 10 and 19 be allowed. In addition, it is respectfully submitted that claims 11, 13-18 and 20 should also be allowed at least based on their dependence from independent claims 10 and 19 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101